

1 BY MR. McCURDY:

2 Q How were you involved in this case, Mr. May?

3 A I was involved in the hearing that occurred as one
4 of the counsel.

5 Q And what -- as -- and what was your role
6 particularly as counsel?

7 A I was one of the lawyers, I worked basically at the
8 direction of Mr. Gammon and worked on the case.

9 Q Okay, and so you prepared documents and --

10 A I participated on these -- participating in
11 arguments in the case and --

12 Q Okay. Now, during this hearing the Judge found that
13 TBN had made false representations in this major application
14 concerning community leader ascertainment activities, correct?

15 A I recall though as to date as to certain -- as to
16 when certain of those ascertainment surveys had been done was
17 found to be incorrect, the estimate.

18 Q Well, if you'd look at page 19, in the second
19 paragraph, in the findings and conclusions.

20 A Yes, sir.

21 Q Now, there is says representations that the leader
22 surveys -- "it is undisputed that representations -- that the
23 leader surveys were all conducted in October 1977 were
24 untrue."

25 A Yes, sir.

1 Q See -- and the Judge concluded that a employee of
2 International and I believe Mr. Gammon shared responsibility
3 for the misrepresentations made in the application, correct?

4 A Yes, I believe that it was actually the employee
5 that was held to be responsible for them and then Mr. Gammon,
6 having been aware of them, not promptly correcting them but
7 that was the nature of the problem.

8 Q Okay, and you recall this developing while you were
9 working at Gammon and Grange?

10 A Yes, sir.

11 Q And it's fair to say that made an impression on you,
12 correct?

13 A I'd like to think all the cases I'm involved in make
14 some impression on me.

15 Q Okay.

16 A I can't recall any specific great impression.

17 MR. McCURDY: Now, Your Honor, I'd like to read a
18 portion of this into the record, that's --

19 JUDGE CHACHKIN: Go ahead.

20 MR. McCURDY: On paragraph 7, page 21, in the second
21 sentence, it said "Crouch" who the Judge is referring to as
22 Paul Crouch -- page -- I'm sorry, paragraph 7 on page 21. It
23 says "Crouch, the individual who executed the application was
24 unaware that the application contained any inaccuracies or
25 untruths. As a consequence, Crouch is innocent of any

1 misrepresentation or wrongdoing. What he is guilty of is the
2 total delegation of functions to Flynn and as a result an
3 abdication of the responsibility to have assured himself that
4 all the representations in the application were true and
5 correct".

6 BY MR. McCURDY:

7 Q Now, as a result of the revelations that were made
8 in this hearing, TBN dropped Gammon and Grange as its counsel,
9 is that true?

10 A I think that was part of their decision, yes, sir.

11 Q Okay, and in fact, you left Gammon and Grange with
12 the intent of forming your own firm and continuing you
13 representation of TBN, correct?

14 A I mean, I had hoped that they would follow me.

15 Q But when you left your employment there you had
16 already been in agreement with TBN that you would continue to
17 represent them, though, correct?

18 A I don't recall the exact sequence but there was a --
19 I mean, the firm was coming apart and I was leaving and I was
20 leaving with two of the other attorneys at the office and I
21 had had this conversation with Dr. Crouch that I would be
22 starting my own office with two other people but I don't
23 believe we actually got, you know, retainers and understand-
24 ings until after I had actually already left Gammon and
25 Grange.

1 Q Okay, now, as a result of this hearing, Mr. Crouch
2 was keenly aware of the importance of making truthful
3 representations in applications to the Commission, correct?

4 MR. TOPEL: Objection, I don't think the witness can
5 testify to Mr. Crouch's awareness.

6 JUDGE CHACHKIN: Sustained.

7 BY MR. McCURDY:

8 Q Did you have any discussion with Mr. Crouch about
9 this case?

10 A Oh, yes.

11 Q And did you have an understanding of how this case
12 affected Mr. Crouch's view of making truthful application --
13 or making applications to the FCC?

14 A Yes.

15 Q And what was that understanding?

16 A To do so, make sure the material filed is truthful.

17 Q And isn't it also true that you understood that Mr.
18 Crouch was aware that -- of his duty as president to closely
19 supervise his FCC counsel and to insure that TBN and National
20 Minority were in strict compliance with all FCC regulations?

21 A I think he relied on me to make sure that compliance
22 with FCC standards were forthcoming and the way he assured
23 himself that that was happening is by asking me about it and
24 saying, now, is this a complete form and does it comply with
25 the Commission rules and regulations.

1 Q And is that the same understanding he had with Mr.
2 Gammon, to your understanding?

3 A I don't know.

4 Q Did you communicate while working -- with Mr. Crouch
5 while working at Gammon and Grange on FCC matters?

6 A From time to time, yes, sir.

7 Q And did you understand at that time that what your
8 -- I mean, did you understand at that time that you had --
9 that Mr. Crouch would follow your recommendations?

10 A I don't know that I did at that time, I was not the
11 primary counsel, Mr. Gammon was so --

12 Q Okay, in response to the International hearing, did
13 Mr. Crouch institute any new procedures with FCC counsel which
14 you continued to be to insure that he was fully informed of
15 FCC related activities?

16 A I hoped he had reached that point by engaging our
17 office to work on his behalf and to so advise him.

18 Q But did you discuss procedures in -- by which you
19 would inform him of FCC activities?

20 A What I recall is that he tried to segregate within
21 his company a narrower group of people who would be respon-
22 sible for that kind of thing happening rather than there being
23 more people contributing to it -- to the process of how things
24 were gathered and pulled together and presented to the
25 Commission.

1 MR. McCURDY: Could I have a moment? I have no
2 further questions.

3 JUDGE CHACHKIN: What do you want to do with this
4 document? Do you want give me an answer?

5 MR. McCURDY: Oh, I'm sorry. I'd like to have it
6 moved into evidence as --

7 JUDGE CHACHKIN: Okay, any objection?

8 MR. McCURDY: -- S.A.L.A.D. Exhibit 35.

9 JUDGE CHACHKIN: I don't see how it's relevant but
10 if nobody objects, we'll just receive it for official notice,
11 I gather, that's all we can receive it for.

12 MR. McCURDY: Official notice is fine.

13 (Whereupon, the document previously
14 marked at S.A.L.A.D. Exhibit 35 is
15 received into evidence for the
16 purpose of taking official notice.)

17 JUDGE CHACHKIN: All right. Mr. Topel do you have
18 much?

19 MR. TOPEL: Very hard to say, I --

20 JUDGE CHACHKIN: I mean, what are we talking about
21 --

22 MR. TOPEL: Oh, I have a lot -- I have, you know,
23 I'd say between twenty minutes and an hour.

24 JUDGE CHACHKIN: Well, what is your wish, that we
25 finish tonight or we start tomorrow morning?

1 MR. TOPEL: I think I'd prefer to start in the
2 morning.

3 JUDGE CHACHKIN: All right. That's if we're not
4 snowed out.

5 UNIDENTIFIED SPEAKER: One inch.

6 MR. TOPEL: Within -- is that a major inconvenience,
7 Your Honor?

8 JUDGE CHACHKIN: No, it's no inconvenience to me, I
9 thought you might want to finish tonight but I'm prepared --

10 MR. TOPEL: I think -- I'm -- I don't know how much
11 it's going to be but --

12 JUDGE CHACHKIN: All right.

13 MR. TOPEL: -- it potentially could be enough to not
14 get pressed.

15 JUDGE CHACHKIN: I know in some other cases I know
16 with another witness you only had five minutes or so, I didn't
17 know what the situation was here.

18 MR. TOPEL: I have at least one more question that I
19 have for Dr. Crouch.

20 JUDGE CHACHKIN: All right, we'll be in recess then
21 till 9:30 tomorrow morning --

22 (Whereupon, the hearing was adjourned at 4:07 p.m.
23 on December 22, 1993.)
24
25

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